

OFFICIAL COPY

Fresno, California

January 8, 2002

The City Council met in regular session at the hour of 8:32 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Cindy Hamby, Deputy City Clerk

Reverend Samuel Albarian of the First Armenian Presbyterian Church, gave the invocation.

Councilmember Perea led the Pledge of Allegiance to the Flag.

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SELECTION AND SWEARING-IN OF COUNCIL PRESIDENT AND ACTING PRESIDENT

A motion to nominate Councilmember Calhoun was made, but Councilmember Calhoun thanked Council, declined, and stated he would like another year of experience on the Council.

On motion of Councilmember Duncan, seconded by Councilmember Castillo, duly carried, RESOLVED, Council President Perea hereby re-elected as Council President for the year 2002, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Perea
Noes	:	Boyajian, Quintero, Ronquillo
Absent	:	None

On motion of Council President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, Councilmember Castillo hereby elected as Acting Council President, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Perea
Noes	:	Boyajian, Quintero, Ronquillo
Absent	:	None

City Clerk Klisch administered the oath of office to Council President Perea and Acting President Castillo.

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The City Council recessed at 8:38 a.m. and met in joint session with the Redevelopment Agency.

#### SELECTION AND SWEARING-IN OF REDEVELOPMENT AGENCY CHAIR AND VICE CHAIR

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, Councilmember Duncan hereby re-elected as Redevelopment Agency Chair, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Perea, Ronquillo
Noes	:	Boyajian, Quintero
Absent	:	None

On motion of Council President Perea, seconded by Acting President Castillo, duly carried, RESOLVED Councilmember Calhoun hereby elected as Redevelopment Agency Vice Chair, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan,
Noes	:	None
Absent	:	None

City Clerk Klisch administered the oath of office to Redevelopment Agency Chair Duncan and Redevelopment Agency Vice Chair Calhoun.

Chair Duncan thanked Council for the nomination, stated the Redevelopment Agency had made significant accomplishments throughout the past year.

Council President Perea recognized Mayor Autry, stated the past year showed positive contributions to the community and Council looked forward to working with the Mayor in the future.

Mayor Autry congratulated President Perea on his re-election and commended Council for their commitment in working together, stated it was an honor to be part of a team. Mayor Autry presented President Perea with a humorous gift.

The Councilmembers commended the Mayor for his leadership and commitment to the City. Mayor Autry dedicated the year 2002 to Councilmember Quintero, stated Mr. Quintero had worked out some very tough issues in his district and commended his efforts.

The joint session of the Redevelopment Agency recessed briefly at 8:49 a.m. and the City Council reconvened in regular session.

PROCLAMATION OF “GARY ERICKSON DAY” - MAYOR AUTRY AND ALL COUNCILMEMBERS

Read and presented.

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Following the swearing-in ceremony, a reception was held on the 2<sup>nd</sup> floor foyer in honor of the newly elected Council and Agency officers.

The City Council reconvened in joint session with the Redevelopment Agency at 9:20 a.m.

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APPROVE AGENCY MINUTES OF DECEMBER 18, 2001

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Agency minutes of December 18, 2001, approved by the following vote:

Ayes	:	Boyajian, Perea, Ronquillo, Duncan,
Noes	:	None
Absent	:	Calhoun, Castillo, Quintero

Councilmembers Calhoun and Quintero arrived at the meeting 9:23 a.m.

APPROVE RECREATIONAL FACILITIES FINANCING AUTHORITY MINUTES OF DECEMBER 18, 2001  
(MEMBERS CASTILLO, DUNCAN AND PEREA)

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the Recreational Facilities Financing Authority minutes of December 18, 2001, approved by the following vote:

Ayes	:	Perea, Duncan
Noes	:	None
Absent	:	Castillo

**(“A”) CONTINUED HEARING TO CONSIDER APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY, AND AB PARKING FACILITIES, LLC, FOR AGENCY-OWNED PROPERTY KNOWN AS LOTS 3 LOCATED AT THE NORTHEAST CORNER OF BROADWAY AND THE MARIPOSA MALL (CENTRAL BUSINESS DISTRICT REDEVELOPMENT PROJECT AREA) (COUNCIL AND AGENCY ACTION)**

**1. RESOLUTION - APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY, AND AB PARKING FACILITIES, LLC, AND (2) MAKING CERTAIN FINDINGS PURSUANT TO HEALTH & SAFETY CODE SECTION 33433, FOR AGENCY-OWNED PROPERTY KNOWN AS LOTS 3 LOCATED AT THE NORTHEAST CORNER OF BROADWAY AND THE MARIPOSA MALL (CENTRAL BUSINESS DISTRICT REDEVELOPMENT PROJECT AREA) (COUNCIL AND AGENCY ACTION)**

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above noted hearing continued one week, by the following vote:

Ayes : Boyajian, Perea, Ronquillo, Duncan  
Noes : None  
Absent : Calhoun, Castillo, Quintero

Acting President Castillo and Councilmember Quintero returned to the meeting at 9:25 a.m.

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### **UNSCHEDULED ORAL COMMUNICATION**

Barbara Hunt, 612 "F" Street, raised issues relating to revenue bonds for the downtown stadium, discussed the City Hall address of 2600 Fresno Street, and the 1999-2000 budget. No action taken. At 9:28 a.m., Councilmember Calhoun returned to the meeting and Councilmember Ronquillo left.

### **("B") DIRECT STAFF TO INITIATE STUDY TO EXPAND FRESNO AIRPORT AREA REVITALIZATION PROJECT - ACTING PRESIDENT CASTILLO**

Councilmember Castillo gave direction to the Redevelopment Agency to include the area north of Dakota and east of Cedar as part of the Airport Redevelopment Area and noted a vacant building north of the Discovery Center on Winery Avenue could possibly be used as a museum or science center by the Fresno Unified School District as well as the Discovery Center.

On motion of Councilmember Castillo, seconded by Council President Perea, duly carried, RESOLVED, staff directed to proceed with the expansion of the Airport Redevelopment Area to include the area north of Dakota and east of Cedar Avenues and research the possibility of the vacant building north of the Discovery Center be used as a museum by the Fresno Unified School District and the Discovery Center, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Perea, Quintero, Duncan  
Noes : None  
Absent : Ronquillo

The joint bodies adjourned at 9:31 a.m. and the City Council reconvened in regular session.

### **APPROVE COUNCIL MINUTES OF DECEMBER 18, 2001**

Councilmember Calhoun requested item 1A-13-C, page 277, relating to the approval of the Public Works policy for the installation of curb ramps as part of re-paving and re-surfacing of City streets as required by the Americans with Disabilities Act (ADA) should reflect two key individuals, Mr. Williamson and Ms. Montoy who spoke on the financial aspects and impact of the policy into the minutes. City Clerk Klisch stated a transcript of that portion requested will be prepared and attached to the minutes.

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the Council minutes of December 18, 2001, approved with the inclusion of the transcript, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea  
Noes : None  
Absent : Ronquillo

**APPROVE AGENDA:**

**(1A-1a) AWARD A REQUIREMENTS CONTRACT FOR ENERGY EFFICIENT WATER WELL MOTORS (PUBLIC WORKS DEPT.)**

**(1A5a) RESOLUTION - APPROVING THE 19<sup>TH</sup> EXPANSION OF THE FRESNO ENTERPRISE ZONE ADDING 4.84 ACRES FOR DAN GAMEL RV IN THE PROXIMITY OF MAPLE AND CENTRAL AVENUES TO THE FRESNO ENTERPRISE ZONE; AUTHORIZING SUBMITTAL TO THE STATE DEPARTMENT OF TRADE AND COMMERCE OF SAID EXPANSION PROPOSAL AND EXECUTION OF DOCUMENTS AND INSTRUMENTS**

City Clerk Klisch announced the above-mentioned items were removed from the agenda by staff.

**(5A) STATUS OF SURFACE WATER TREATMENT FACILITY CONSTRUCTION CONTRACT - COUNCILMEMBER CASTILLO**

Acting President Castillo requested the above-listed item be set for 3:30 p.m this date for public convenience.

**(3B) INTRODUCTION OF ORDINANCES ADDING SECTIONS TO THE FRESNO MUNICIPAL CODE FOR THE IMPLEMENTATION OF A RECIPROCITY AGREEMENT WITH THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS) AND APPROVE THE RECIPROCITY AGREEMENT WITH CALPERS**

**(1)\* BILL - ADDING SECTION 2-1745A TO THE FRESNO MUNICIPAL CODE, PROVIDING FOR RECIPROCITY BETWEEN THE FIRE AND POLICE RETIREMENT SYSTEM AND THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM**

**(2)\* BILL - ADDING SECTION 2-1854 TO THE FRESNO MUNICIPAL CODE, PROVIDING FOR RECIPROCITY BETWEEN THE EMPLOYEES RETIREMENT SYSTEM AND THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM**

**(3) DISCUSSION AND DIRECTION REGARDING PROVIDING RETIREMENT BENEFITS FOR PART-TIME EMPLOYEES AND ELECTIVE OFFICERS**

**(3C) \* BILL - (FOR INTRODUCTION) - AMENDING SECTIONS 2-1745 RELATING TO ELIGIBILITY REQUIREMENTS OF THE POST RETIREMENT SUPPLEMENTAL BENEFIT IN THE FIRE AND POLICE RETIREMENT SYSTEMS**

**(1) \* BILL - (FOR INTRODUCTION) - AMENDING SECTIONS 2-1853 RELATING TO ELIGIBILITY REQUIREMENTS OF THE POST RETIREMENT SUPPLEMENTAL BENEFIT IN THE EMPLOYEES RETIREMENT SYSTEMS**

President Perea requested the above-listed items be heard immediately following approval of the Consent Calendar. Councilmember Ronquillo returned to the meeting at 9:36 a.m.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the AGENDA hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

**(1A-1b)** AWARD A REQUIREMENTS CONTRACT FOR MOTOR OILS AND LUBRICANTS WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO CL BRYANT, INC. OF FRESNO IN THE AMOUNT OF \$225,567.53

**(1A-1c)** AWARD A CONTRACT FOR FIRST STREET MEDIAN ISLAND CONSTRUCTION BETWEEN MENLO AND MAGILL AVENUES TO AMERICAN PAVING COMPANY IN THE AMOUNT OF \$126,423.50

**(1A-1d)** REJECT ALL PROPOSALS FOR OPERATION AND MANAGEMENT OF CITY OF FRESNO PALM LAKES MUNICIPAL GOLF COURSE BECAUSE THE CITY IS NOT READY TO PROCEED WITH AN AWARD OF A CONCESSION/MANAGEMENT AGREEMENT BECAUSE THE LONG-TERM UTILIZATION OF THE PROPERTY AS A GOLF COURSE IS UNKNOWN AT THIS TIME

**(1A-1e)** APPROVE A LETTER OF AGREEMENT/DECLARATION OF STATUS FOR THE CITY OF FRESNO TO PARTICIPATE IN A STATEWIDE CERTIFICATION PROGRAM (UCP) FOR U.S. DOT RECIPIENTS IN THE STATE OF CALIFORNIA

**(1A-10a) RESOLUTION NO 2002-1** - APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE RIPARIAN AND RIVERINE HABITAT GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000

**1.** APPOINT THE PARKS AND RECREATION DIRECTOR, AS AGENT OF THE CITY OF FRESNO, TO CONDUCT ALL NEGOTIATIONS, EXECUTE AND SUBMIT ALL DOCUMENTS, INCLUDING, BUT NOT LIMITED TO, APPLICATIONS, AGREEMENTS, PAYMENT REQUESTS AND SO ON, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE PROJECT, SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

**(1A-10b) RESOLUTION NO. 2002-2** - APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE STATE AND CONSUMER SERVICES AGENCY UNDER THE INNOVATIVE ENERGY EDUCATION GRANT PROGRAM

**1.** APPOINT THE PARKS AND RECREATION DIRECTOR, AS AGENT OF THE CITY OF FRESNO, TO CONDUCT ALL NEGOTIATIONS, EXECUTE AND SUBMIT ALL DOCUMENTS, INCLUDING, BUT NOT LIMITED TO, APPLICATIONS, AGREEMENTS, PAYMENT REQUESTS AND SO ON, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE PROJECT, SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

**(1A-13a)** APPROVE A SERVICE AGREEMENT WITH SONEX TO PERFORM INSPECTION OF LARGE DIAMETER WASTEWATER COLLECTION SYSTEM TO BE EXECUTED BY THE PURCHASING MANAGER IN AN AMOUNT NOT TO EXCEED \$192,698 TO PERFORM ROTATOR SONIC CALIPER ANALYSIS AND INSPECT DESIGNATED PORTIONS OF THE LARGE DIAMETER WASTEWATER COLLECTION PIPELINE SYSTEM

**(1A-15a)** APPROVE AN AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH REINARD W. BRANDLEY, CONSULTING AIRPORT ENGINEER, FOR DESIGN OF THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AIRFIELD LIGHTING VAULT AND EMERGENCY GENERATOR REPLACEMENT UNDER FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT NO. 3-06-0087-29

**1.** AUTHORIZE THE PUBLIC WORKS DIRECTOR AND DIRECTOR OF TRANSPORTATION TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the above-entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(3B)** INTRODUCTION OF ORDINANCES ADDING SECTIONS TO THE FRESNO MUNICIPAL CODE FOR THE IMPLEMENTATION OF A RECIPROCITY AGREEMENT WITH THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS) AND APPROVE THE RECIPROCITY AGREEMENT WITH CALPERS

**(1)\* BILL NO. B-1 - (FOR INTRODUCTION)** - ADDING SECTION 2-1745A TO THE FRESNO MUNICIPAL CODE, PROVIDING FOR RECIPROCITY BETWEEN THE FIRE AND POLICE RETIREMENT SYSTEM AND THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM

**(2)\* BILL NO. B-2 - (FOR INTRODUCTION)** - ADDING SECTION 2-1854 TO THE FRESNO MUNICIPAL CODE, PROVIDING FOR RECIPROCITY BETWEEN THE EMPLOYEES RETIREMENT SYSTEM AND THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM

**(3)** DISCUSSION AND DIRECTION REGARDING PROVIDING RETIREMENT BENEFITS FOR PART-TIME EMPLOYEES AND ELECTIVE OFFICERS

Assistant City Manager Souza stated questions were raised when the above-noted item was introduced in December regarding the City Charter and the prohibition of part-time and elected officials as part of item 3C, stated staff has met and the reciprocity issue is the same as presented in December.

Speaking to the issue were Barbara Hunt, 612 “F” Street, and Jim Watson, President of FPOA, who supported the CalPers system, stated it would benefit members of the association as well as members of the other retirement systems.

Upon call, on one else wished to be heard and President Perea closed the public testimony.

Councilmember Ronquillo supported the amendments for the implementation of the reciprocity agreement, and stated this was an opportunity to offer to employees an additional incentive to remain with the City of Fresno.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill Nos. B-1 and B-2 introduced/laid over, and staff to return within 60 day with options relating to providing retirement benefits for part-time employees and elected officials, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(3C) \* BILL NO. B-3 - (FOR INTRODUCTION) - AMENDING SECTIONS 2-1745 RELATING TO ELIGIBILITY REQUIREMENTS OF THE POST RETIREMENT SUPPLEMENTAL BENEFIT IN THE FIRE AND POLICE RETIREMENT SYSTEMS**

**(1) \* BILL NO. B-4 - (FOR INTRODUCTION) - AMENDING SECTIONS 2-1853 RELATING TO ELIGIBILITY REQUIREMENTS OF THE POST RETIREMENT SUPPLEMENTAL BENEFIT IN THE EMPLOYEES RETIREMENT SYSTEMS**

Retirement Administrator McDivitt briefly reviewed the issue, stated the above item is contingent upon the approval of the reciprocity issue, and the amendment was necessary to require a five-year vesting period for employees.

President Perea questioned whether a retiree is a member of the Retirement Boards and Mr. McDivitt stated the Municipal Code does not allow for that at the present time. Brief discussion ensued.

**(Side 2)** On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, Bill Nos. B-3 and B-4 introduced/laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(3D) APPROVE THE LETTER TO NOTIFY MADERA COUNTY OF THE EXPIRATION OF THE AGREEMENT TO PROVIDE FIRE PROTECTION TO VALLEY CHILDREN'S HOSPITAL - FIRE DEPARTMENT**

Fire Chief Smith reviewed the item, stated a letter needed to be signed by the Council Present to be sent to the County of Madera advising that the agreement to provide automatic fire protection to Valley Children's Hospital expired November 30, 2001, and to date has had no contact from Madera County expressing the desire to continue the agreement.



Discussion ensued regarding automatic aid versus mutual aid. City Manager Hobbs expressed concern with the issue, stated everyone needed to be clear on what would and would not happen and if the City is expected to respond and do not.

Acting President Castillo questioned the cost of providing a Fresno fire truck and Chief Smith stated \$150.00 every time the truck was dispatched. After extensive discussion regarding standby costs, direct costs, and productive unit cost, Chief Smith advised the cost to provide a City truck averaged \$3,700.00/hour. Acting President Castillo stated Madera County needed to implement some program to provide their own service to the hospital, that the City's first priority was to protect Fresno.

Councilmember Ronquillo felt the letter needed to be sent, and concurred with Acting President Castillo for the City Manager to have a direct conversation with Madera County to create their own fire protection coverage.

Councilmember Duncan questioned the mutual aid and who would arrive first with Chief Smith responding. Discussion ensued regarding reimbursement and future agreements.

A motion to approve a letter notifying Madera County of the expiration of the agreement to provide fire protection to Valley Children's Hospital was made and acted upon after brief discussion.

President Perea recommended working with Chief Smith to fine tune the letter. Councilmember Quintero supported sending the letter, stated the children at the hospital are caught in the middle, and requested the letter be sent to every Board of Supervisor and the Madera County Fire Chief with a deadline to respond and noted an invitation to a City Council meeting to make a presentation might help reach a solution.

City Attorney Montoy expressed the importance of clarifying the language of the letter to reflect that effective immediately the City of Fresno would no longer provide fire protection service, and the City would entertain negotiating a new agreement, and recommended not adding a deadline to the letter.

Brief discussion ensued on several conditions the hospital had to meet prior to its opening. President Perea reiterated the conditions, stated two issues were that the hospital had to have adequate fire protection and also a transportation system, and expressed concern with St. Agnes Hospital not having coverage if the Fresno fire truck 11 is in Madera. Mr. Perea stated he sent a letter six months ago to Madera County indicating the fire protection service would expire in November and requested staff to reference the letter in the one to be sent. Acting President Castillo stated for the record that the City of Fresno is currently not responsible for providing fire protection service to Valley Children's Hospital should that need arise. President Perea also stated for the record that there is a truck that responds from Madera County to the hospital, but the issue is a multi-story hospital and that fire truck does not have a ladder.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the letter to notify Madera County of the expiration of the agreement to provide fire protection to Valley Children's Hospital hereby approved, and to include in the letter that the City of Fresno fire protection service has expired and Fresno will entertain continuation of service, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(9:55 A.M.) RESOLUTION NO. 2002-3 SUPPORTING PROPOSITION 42 TO MAKE OUR ROADS SAFER AND REDUCE TRAFFIC - COUNCILMEMBER DUNCAN**

Councilmember Duncan requested support of the above-listed resolution and briefly reviewed the history of where the tax dollars are distributed, and made a motion to adopt the resolution, which was acted upon after brief discussion..

Barbara Hunt, 612 “F” Street, spoke on the issue.

City Attorney Montoy reviewed the issue, stated there were four sources of state taxes on fuels; sales taxes on gasoline, excise taxes on gasoline, excise taxes on diesel and sales taxes on diesel and elaborated on each tax, discussed money going into the general fund, and noted the proposed proposition would lock in as a constitutional amendment beyond the year 2008.

Councilmember Duncan stated the goal of the proposition was to ensure a long-term stable source of transportation funding for local government and elaborated. Councilmember Ronquillo stated there is a big emphasis in other areas because of population, felt City of Fresno is not getting its portion.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-3 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(10:00 A.M.) HEARING REGARDING CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 33, PARCEL MAP NO. 2000-23**

**A. RESOLUTION NO. 2002-4 - ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**

**B. RESOLUTION NO. 2002-5 - CALLING SPECIAL MAILED-BALLOT ELECTION**

**C. RESOLUTION NO. 2002-6 - DECLARING ELECTION RESULTS**

**D.\* BILL NO. 5 - ORDINANCE NO. 2002-1 - LEVYING SPECIAL TAX FOR THE PROPERTY TAX YEAR 2001-2002 AND FUTURE YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 33**

President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Real Estate Agent Balch briefly reviewed the item. A motion and second was made to approve staff’s recommendation.

Upon call, no one wished to be heard and President Perea closed the hearing.

Councilmember Calhoun expressed concern relating to maintaining median islands and landscaping by taxing residents, and requested staff return with a solution as to whether to continue approving the CFD annexations or return to the prior system of the developers maintaining the areas, with Councilmember Duncan concurring. Councilmember

Castillo left the meeting briefly at 10:27 a.m. and returned at 10:32 a.m. City Manager Hobbs stated a letter would be provided to Council with the issues and options, and recommended a future workshop be set for discussion. *(Side 3)*

Councilmember Boyajian stated the developers need to be responsible for the maintenance and expressed concern with the lack of care in the inner City. Acting President Castillo stated it was up to the City Council to decide what developers need to pay for. Councilmember Quintero recommended inviting the Parks Department to the various neighborhood association meetings to see if a resolution could be met.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-4, 2002-5 and 2002-6 hereby adopted; and the above entitled Bill No. B-5 adopted as Ordinance No. 2002-1, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(10:15 A.M.) HEARING TO CONSIDER REZONE APPLICATION NO. 01-036 AND ENVIRONMENTAL FINDINGS, FILED BY THE SELF-HELP ENTERPRISES, FOR 4.13 ACRES LOCATED ON THE SOUTH SIDE OF E. CHURCH AVENUE BETWEEN S. CHESTNUT AND S. WILLOW AVENUES**

**A. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. T-5014, R-01-36, C-01-143**

**B. BILL NO. B-6 - ORDINANCE NO. 2002-2 - AMENDING THE OFFICIAL ZONE MAP TO REZONE PROPERTY FROM R-3/UGM ZONE DISTRICT TO THE R-1/UGM ZONE DISTRICT**

President Perea announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and the hearing was closed. Councilmember Quintero thanked Housing and Neighborhood Revitalization Manager Bowness, staff and Self-Help Enterprises for their hard work. Ms. Bowness gave a brief overview of the project. Tom Callashaw, Deputy Director of Self-Help Enterprises, gave a brief history on Self Help Enterprises in terms of their track record and concluded by responding to questions.

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the findings of the Mitigated Negative Declaration for Environmental Assessment No. T-5014, R-01-036, C-01-143, dated October 18, 2001, hereby approved; the above entitled Bill No. B-6 adopted as Ordinance No. 2002-2, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(3A) BILL NO. B-99 - ORDINANCE NO. 2002-2 - REPEALING SUBSECTIONS (C), (E), (F), (G), (H) AND (L) OF SECTION 14-101 AND SECTIONS 14-131, 14-132 AND 14-133, AMENDING SECTION 14-134, AND ADDING SECTION 14-146 AND ARTICLE 4 TO CHAPTER 14 OF THE FRESNO MUNICIPAL CODE RELATING TO CROSS-CONNECTION CONTROL**

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Categorical Exemption Environmental Assessment No. EA-01-80, hereby approved; the above entitled Bill No. B-99 adopted as Ordinance No. 2002-2, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5B) DISCUSSION AND DIRECTION REGARDING INCLUSION OF A RETIREE AS A HEALTH AND WELFARE TRUST MEMBER - COUNCIL PRESIDENT PEREA**

President Perea stated the above issue needed to be addressed and informed Council of his request by the Health and Welfare Trust attorney and the City Attorney's Office to provide information as to the process needed to place a retiree on the Board. City Attorney Montoy stated the issue did go to the Board and the Board's attorney had concerns as to whether the State legislation would allow such a position, stated her office requested a written request for a legal opinion and the State was currently working on it. Brief discussion ensued on the make-up of the Board. Ms. Montoy added the union would have to sign off on the approval of the appointment. No action taken.

**BREAK - 10:57 A.M. - 11:18 A.M.**

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**(11:00 A.M.) HEARING TO CONSIDER REZONE APPLICATION NO. R-01-42 AND ENVIRONMENTAL FINDINGS, FILED BY AMERICAN CAMPUS - TITAN LLC, FOR 4.84 ACRES LOCATED ON THE NORTHEAST CORNER OF E. BARSTOW AVENUE AND N. TENTH STREET, WEST OF N. CEDAR AVENUE (1680 E. BARSTOW AVENUE) (CONTINUE TO 1/15/2002 @ 10:00 A.M.)**

**A. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-01-42**

**B. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE PROPERTY FROM R-1-C ZONE DISTRICT TO THE R-3/UGM ZONE DISTRICT**

Continued as noted.

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**(11:15 AM#1) HEARING TO CONSIDER CONDITIONAL USE PERMIT (CUP) NO. C-01-244, FILED BY DERREL'S MINI STORAGE FOR 2.89 ACRES LOCATED AT 4660 E. DAKOTA AVENUE (CONTINUE TO 1/29/2002 @ 10:00 A.M.)**

**A. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. C-01-244**

**B. RESOLUTION - APPROVING CONDITIONAL USE PERMIT NO. C-01-244**

Continued as noted.

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**(11:15 AM#2) ACCEPT REPORT REGARDING AN ECONOMIC DEVELOPMENT CORPORATION CONTRACT AND DISCUSS PERFORMANCE STANDARDS**

Economic Development Coordinator Burkhardt gave a brief overview of the contractual relationship between the City of Fresno and the Economic Development Corporation (EDC ), reviewed the modifications made in the current agreement versus the prior agreement and introduced Rich Olsson, Chairman of the Board of EDC, and David Spaur, President, CEO. Councilmember Ronquillo arrived at the meeting at 11:25 a.m. .

Mr. Olsson noted the highlights and accomplishments throughout the year 2001. Mr. Spaur suggested a quarterly presentation be made to Council and gave a detailed review of a chart related to anticipated revenue total; expenses/program total; business attractions and locations; assisted expansions; business retention, economic impact and return on investment; discussed four major goals to be accomplished in the future and briefly explained each goal.

Stebbins Dean, CEO of the Fresno Chamber of Commerce, stated the EDC, under the leadership of Mr. Spaur, shows leadership that was lacking in the program, noted the importance of the relationship and trust of City Council with the EDC, and requested staying focused on the Roeding Industrial Park. Councilmember Quintero arrived at the meeting at 11:35 a.m.

Barbara Hunt, 612 "F" Street spoke to the issue.

Councilmember Duncan complimented EDC on their professionalism and the efforts made to improve the team work and made a motion to accept the report.

Councilmember Calhoun concurred with Councilmember Duncan, questioned the changes made in the agreement over what existed before with Mr. Spaur referring to various effected sections of the 2001 agreement and elaborated on the modifications. **(Side 4)** Extensive discussion ensued regarding the inclusion of the new contract in the City of Fresno fiscal year 2003 budget. Mr. Calhoun recommended EDC work closely with the Redevelopment Agency and hoped for stability within the EDC, with Mr. Spaur responding.

Councilmember Ronquillo commended EDC for taking an aggressive position financially as well as in policy making and suggested the Board focus on looking at benefitting from sharing a commission of private funding made and stressed the importance of having no conflicting members cornering business for themselves with brief discussion ensuing.

Councilmember Boyajian questioned the products the City of Fresno should look at to attract businesses, discussed employment for the downtown area and requested Council be kept informed of EDC activities and accomplishments. Discussion ensued regarding EDC's grant writer. Councilmember Ronquillo left the meeting briefly at 12:16 p.m. and returned at 12:25 p.m.

**(Side 5)** Councilmember Quintero expressed interest in providing more emphasis on moving smaller businesses into bigger and better areas such as Roeding Industrial Park, stated he would like to see the City partner with the County of Fresno in creating some redevelopment areas in southeast Fresno along the Jensen and Maple area and possibly in the Calwa area, with Mr. Spaur responding.

President Perea stated the contract needed to reflect Council being represented on the Board by either the Council President or his designee and the four major market targets for the City of Fresno needs to have a business plan and strategy. There was no action taken.

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**(11:30 A.M.) HEARING TO CONSIDER THE ADOPTION OF A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF PROPERTY AT 5729 W. MCKINLEY AVENUE, (APN 312-101-33), OWNED BY JOHN AND CONSTANCE PEDERSEN; AND PROPERTY AT 5518 W. OLIVE AVENUE, (APN 312-440-17), OWNED BY GAYLORD & DOROTHY PEELMAN**

**(A.)\* RESOLUTION - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE EASEMENTS AND RIGHTS- OF-WAY FOR PUBLIC STREET PURPOSES OVER, UNDER, THROUGH AND ACROSS PROPERTY FOR THE CONSTRUCTION OF PORTIONS OF N. POLK AND N. CARNEGIE AVENUES AS DEVELOPMENT REQUIREMENT OF UGM TRACT NO. 4493 AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND PURPOSE (*REQUIRES 5 AFFIRMATIVE VOTES*)**

Brief discussion ensued regarding the continuation of the above-listed hearing so staff could meet with the involved parties for further discussion on unresolved issues. A motion to continue the hearing one week to a time certain was acted upon after further discussion. Acting President Castillo and Councilmember Ronquillo left the meeting at 12:40 p.m.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED the above-listed hearing hereby continued to January 15, 2002 at 2:30 p.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Castillo, Ronquillo

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**LUNCH RECESS - 12:43 P.M. - 2:02 P.M.** Councilmembers Ronquillo and Quintero arrived later.

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**CONTESTED CONSENT ITEMS:**

**(1A-5b) CONSIDER CONTINUATION OF RESOLUTION NO. 2001-337, WHICH PROCLAIMED A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT BASED UPON THE THREAT OF ENEMY ATTACK OR SABOTAGE**

**1.\* RESOLUTION NO. 2002-7 - CONTINUING RESOLUTION NO. 2001-337, WHICH PROCLAIMED A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT, BASED UPON CONTINUING EXISTENCE OF FACTS AND CIRCUMSTANCES OF THE THREAT OF ENEMY ATTACK OR SABOTAGE**

Councilmember Calhoun questioned whether or not a blast wall was going to be built and Sergeant Heather Pratt, 144 Fighter Wing, Air National Guard, stated the Guard was in the process of obtaining funds and the estimated completion date is scheduled for July. A motion was made to adopt the above resolution, which was seconded and acted upon after brief discussion.

Sgt. Pratt responded to questions regarding the possibility of refunding costs back to the City and Assistant City Manager Souza stated a draft lease has been submitted to the Guard for the closure of McKinley Avenue and the City should receive compensation for the closure.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-7 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	None
Absent	:	Quintero, Ronquillo

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**(1A-13b) APPROVE AN AGREEMENT WITH OMNI-MEANS FOR PROFESSIONAL CIVIL ENGINEERING SERVICES FOR TRAFFIC AND OPERATION IMPROVEMENTS IN THE VICINITY OF THE SAVE MART ARENA**

Acting President Castillo expressed concern relating to the remainder of the funds being used for improvements of Clovis streets with Chief Engineering Technician Madewell stating the project was originally a joint Fresno/Clovis project and elaborated. A motion was made and seconded to adopt the above resolution, and acted upon after brief discussion.

At 2:12 p.m. Councilmember Quintero arrived at the meeting. Discussion ensued regarding widening of streets at Bullard and Willow, Willow and Shaw and minor modifications at the intersection of Barstow and Willow Avenues. Acting President Castillo expressed concern with the Eucalyptus trees being removed for the widening of the streets with discussion ensuing.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, an agreement with Omni-Means, hereby approved to provide professional civil engineering services for traffic and operation improvements in the vicinity of the Save Mart arena and the City Manager hereby authorized to sign the agreement on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

Acting President Castillo suggested the issue of streets, parking structures and the impact of the new arena on nearby residents be brought before Council with Mr. Madewell stating each specific project will have a project analysis and will be on the agenda at Council's request.

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**(2:00 P.M.#2) CLOSED SESSION:**

**(“A”) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: CITY OF FRESNO V. BURLINGTON NORTHERN & SANTA FE RAILROAD COMPANY (“BNSF”)**

**(“B”)** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - **CASE NAME:** DONALD B. BANKS V. CITY OF FRESNO, ET AL.; **CASE NAME:** BENJAMIN JONES AND ANGIL P. MORRIS V. CITY OF FRESNO, ET AL.; **CASE NAME:** CLAYTON TURNER V. CITY OF FRESNO

**(“C”)** CONFERENCE WITH LABOR NEGOTIATOR

**CITY NEGOTIATORS:** ANDREW T. SOUZA, SEVERO ESQUIVEL AND JORGE C. AGUINIGA - **EMPLOYEE ORGANIZATION(S):**

INTERNATIONAL UNION OF OPERATING ENGINEER, STATIONARY ENGINEERS LOCAL 39 (LOCAL 39) AND INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 100 (IBEW)

The City Council met in closed session in Room 2125 at the hour of 2:22 p.m. to consider the above issues and reconvened in regular open session at 3:56 p.m. Councilmembers Quintero and Ronquillo arrived shortly thereafter.

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**(2:30 P.M.)** REQUEST COUNCIL TO CONSIDER ADOPTION OF ENABLING DOCUMENTS TO ALLOW LOCAL FIRMS TO PROVIDE THEIR PRODUCTS AT CITY FACILITIES, I.E. CONVENTION CENTER, DOWNTOWN STADIUM - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian stated there are local vendors who have put money into the City with their businesses and have raised the question as to why their business cannot sell their products at the Convention Center. Mr. Boyajian introduced Douglas Low, owner of Doug-Out Cookies, 7450 N. Fresno Street, who stated the national corporation had a policy of excluding local vendors on a sub-contract basis and the City could not do anything due to contractual provisions, and expressed concern that City businesses are excluded from local events. Mr. Low requested an amendment be made to the Fresno Municipal Code to: 1. give the City the discretion to select vendors, 2. prohibit the City from giving up that right; and 3. if the City does exercise its discretion to select a vendor, it must give a preference to local business and elaborated.

Councilmember Ronquillo arrived at the meeting at 4:02 p.m. and Councilmember Quintero arrived at 4:04 p.m. Also speaking in opposition were: Keith Caskey, Planet Java, 2225 W. Shaw, stated if they had not received a start at Selland Arena, they might not have kept their business going; Michele Kendall, Butterfields, 2603 E. Shea Drive; Terry Casket, Planet Java, 2225 W. Shaw, and Barbara Hunt, 612 “F” Street. Upon call, no one wished to be heard and President Perea closed the public discussion.

City Attorney Montoy stated a Request For Proposal (RFP) was awarded to Volume Services for ten years and would not terminate until the year 2007, requested time to review the actual contract and recommended Council direction would be to return with a report on what Council’s options were. **(Side 6)** A motion and second for staff to return with a report on what the status was in respect to the two contracts involved, what the options would be and to confer with Volume Services and Fresno Diamond Group was acted upon after extensive discussion.

Councilmember Duncan stated Council needed to look at the economic side and recognize that the Convention Center relies on a public subsidy to maintain its operation, felt nothing could be done for the next five years.



Councilmember Quintero questioned the two companies who submitted bids in 1997 were suppose to include local businesses and portable kiosk which would be able to set up before games and events at the Convention Center with Convention Center Director Valdez stating it never occurred and added he was concerned with performance issues of Volume Services.

City Manager Hobbs issued a word of caution regarding interfering with a contractual relationship and recommended meeting with Volume Services and local vendors to see if a compromise could be worked out. Ms. Montoy stated her office would return with options after reviewing the contracts with Volume Services and Fresno Diamond Group and also the portion of the Fresno Municipal Code dealing with local preference and the performance of Volume Services would be included in the report. At the hour of 4:24 p.m. Councilmember Ronquillo left the meeting briefly.

Councilmember Boyajian amended his original motion to include a portable kiosk position for local vendors at the Convention Center. Brief discussion continued regarding the performance issue of Volume Services.

On motion of Councilmember Boyajian, seconded by Councilmember Castillo, duly carried, RESOLVED, staff to return on January 29, 2002, at a time specific, with a report to include the status of the two contracts involved, to meet with Volume Services and Fresno Diamond Group to research any issues to subcontract with local businesses and the performance issue of Volume Services, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	Duncan
Absent	:	Ronquillo

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#### **(5A) STATUS OF SURFACE WATER TREATMENT FACILITY CONSTRUCTION CONTRACT - COUNCILMEMBER CASTILLO**

Interim Public Utilities Director McIntyre stated IT Corporation was in financial trouble and unable to secure necessary payment bonds for the surface water treatment plant and explained the City would need to award the contract to the second lowest bidder. Acting President Castillo commended staff for keeping Council informed, stated IT appeared before Council under false pretenses and in the future Council will hold people accountable.

Alan Dorfmeier, Mauldin Dorfmeier, gave a brief overview of his organization. Barbara Hunt, 612 "F" Street also spoke to the issue. Mr. McIntyre stated the issue would return to Council to award the bid to the second lowest bidder on January 15, 2002, at 5:00 p.m. if an appeal was not received. Councilmember Ronquillo returned to the meeting at 4:35 p.m. No action taken.

#### **(2:35 P.M.) WASTEWATER WORKSHOP - SUMMARY REPORT OF FRESNO/CLOVIS DISCUSSIONS, SATELLITE TREATMENT STUDY, SOUTHEAST SEWER CAPACITY, REGIONAL FACILITY CAPACITY AND PERMIT ISSUES, COLLECTION SYSTEM REHABILITATION, GENERAL PLAN AND ECONOMIC DEVELOPMENT IMPLICATIONS**

Councilmember Ronquillo left the meeting at the hour of 4:53 p.m. and returned at 5:20 p.m. Interim Public Utilities Director McIntyre gave an overview of the wastewater reclamation facility capacity; miscellaneous facts relating to the charge of residential connection fees; the collection system rehabilitation project in the amount of \$106,000,000; reviewed the sewer five-year capital plan; plant loading increases; **(Side 7)** discussed the satellite plant study; and briefly reviewed satellite difficulties and the southeast Fresno sewer capacity.

Joann Kipps, Senior Engineer, Regional Water Quality Control Board, 3614 E. Ashlan Avenue, discussed the importance of treatment capacity, stated the City has two large dischargers that have increased their discharge and in the last year the treatment plant has operated beyond its capacity and noted the importance of resolving the issue. Ms. Kipps stated that if there was not a good faith effort, an enforcement action might occur to limit the flow and possibly a moratorium.

Also speaking to the issue was Allen Weaver, Public Utilities Director, City of Clovis, 1033 5<sup>th</sup> Street, who stated the satellite study offers an opportunity for both cities to benefit.

Councilmember Duncan questioned the replacement of the old sewer pipes within the inner City and its funding with Mr. McIntyre responding. Councilmember Quintero stated funds should be set aside to help pay for new connections and discussed the efforts made to create a UGM area in the southeast Fresno with extensive discussion ensuing. No action taken.

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**(5:00 P.M.) DIRECT STAFF TO ASCERTAIN VENDOR INTEREST AND CAPABILITY TO PROVIDE INFORMATION TECHNOLOGY AND RELATED SERVICES FOR THE CITY OF FRESNO (DAS)**

City Manager Hobbs stated his job was to continually look into way to provide quality services at the least cost, stated there are good hard working people in the City of Fresno but that information technology is the fastest and most challenging activity in the society today, noted the importance of who can run faster, better and cheaper. Mr. Hobbs emphasized that Council would not be making a decision tonight to privatize or to out source but to consider allowing managed competition to occur and stated if a decision was made to engage in privatization, the City was proposing that all current employees would move over to the private employer.

Department of Administrative Service Director Esquivel briefly reviewed the issue, stated an assessment was conducted by ACS who found a need for improvements and the issue tonight was to find the best way to accomplish the needed improvements. Mr Esquivel elaborated on the Request for Proposal (RFP) process, and concluded his presentation by introducing the ISD Managers.

Council President Perea opened the discussion for public input.

Speaking to the issue was: Alex Correa, FCEA Business Representative expressed concern with the City not providing current employees with jobs if privatization occurred, stated the problem was the managers failed to manage the division, discussed the low morale within the department, and emphasized the current employees can run faster, better and cheaper than an outside management. Mr. Correa requested Council reject any proposals that would allow the management avoid accountability and responsibility, stated the managers needed to meet with current employees to develop a master plan that would implement the recommendations.

Speaking in support was Stebbins Dean, Chamber of Commerce, 2331 Fresno Street, who stated the RFP process would provide information that would benefit the City.

Speaking in opposition were: Sam Frank, 5451 N. Gates Avenue #138, who expressed concern with the City keeping the employees for only one year; Bill Jones, Information Services Division, reviewed the feedback from City Departments; Brett Rawlings, Information Services Division, stated no one contacted him relating to fixing the situation, stated staff needed time to find a solution; **(Side 8)** Doris McKnight, 7575 N. Spalding, discussed policies and procedures; Paul Pedron, 2264 Roberts Avenue; Kari Alverson, 1850 N. Hayes; Don Robbins, 171 W. Niles; Raj Nagra, 252 W. Kelly Ave.; Archie Tovar, 1923 Cooper St.; Brion Webster, 5576 W. Pinedale reviewed money saved through staff initiatives; and Brian Colby, Information Services Division. Acting President Castillo left the meeting at 6:09 p.m. and returned at 6:14 p.m. Continuing in opposition were: Cheri Detweiler, 2509 W. San Madele, stated none of her comments were on the ACS report; Barbara Hunt, 612 "F" Street; and Sandra Soliz, 15430 W. Sunset, Kerman, who expressed concern with the negative impact on schools and jobs if the City approved privatization for ISD.

Tony Valtierra, Hispanic Chamber of Commerce, 1456 W. Shaw Avenue, who spoke in support of approving the RFP and requested the local businesses be considered for the opportunity.

Speaking in opposition was Michael Bonner, 2600 Fresno Street, who requested additional time to seek improvements.

Upon call, no one else wished to be heard and President Perea closed the public testimony.

Councilmember Quintero stated he has talked to several ISD employees and the common factor heard and discussed was that there was no management to turn to in order to get an answer to a problem, noted he was not opposed to hiring a consultant to assist in solving problems, but stated the one important step that needed to take place was try to first find a solution to the problems internally.

At the request of Mayor Autry, Chief of Staff White read a letter from the Mayor to the City Council, on file in the Clerk's Office.

Councilmember Duncan expressed his support, discussed the strategic plan, stated major changes are in order and the request was consistent with the Macias Group report. Mr. Duncan stated Council is obligated **(Side 9)** to look at what was best for the City and made a motion to approve staff recommendation, stating the RFP was not a commitment, but a request. The motion was not seconded.

Councilmember Calhoun state he supported the proposal and added, while the RFP process was moving forward, the responsibility should be placed on the City Manager or DAS Director to provide Council, with a plan in case the City does not privatize. An alternative motion to approve the managed competition request and to request staff to return on May 1, 2002, with an Information Services Division reorganization plan to meet the required City of Fresno standards, was acted upon after extensive discussion.

Councilmember Ronquillo commended staff, stated management was responsible for the lack of management of the division, and he would not support privatization, with Councilmember Boyajian and Acting President Castillo concurring.

President Perea questioned the CIO position with Assistant City Manager Souza responding. Mr. Hobbs stated not having a CIO for the Department was his responsibility, stated Mr. Esquivel has been working on the Airports construction project, and the downtown stadium and had little time for the ISD Division. Mr. Perea stated there were issues that employees need to work out with a management team and the first priority was to create a good management team, and stressed the importance of holding each other accountable.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to direct the Purchasing Manager to issue a Request for Qualifications (RFQ) to information technology (IT) service vendors to ascertain their interest and capability to provide information technology and related services for the City of Fresno, and return on May 1, 2002, with a reorganization plan for Information Services Division that would meet the required City of Fresno standards failed adoption, by the following vote:

Ayes	:	Calhoun, Duncan
Noes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Absent	:	None

Acting President Castillo made a substitute motion to create a reorganization plan for ISD, which was amended by Councilmember Quintero to have staff meet with ISD staff to create the plan. Mr. Hobbs stated he would like to move forward with an assessment on hiring a CIO for the Department, and President Perea requested the report include the advantages and disadvantages of returning Information Systems to a department versus a division. Councilmember Calhoun stated there was no purpose to micro-manage and directing management to do something they know they have to do and elaborated.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, staff hereby directed to meet with ISD staff to create a reorganization plan for Information Services Division that would meet the required City of Fresno standards and report back by May 1, 2002, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Noes	:	Calhoun, Duncan
Absent	:	None

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## ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:20 p.m. having arrived and hearing no objections, Council President Perea declared the meeting adjourned.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

_____ Henry Perea, Council President	ATTEST: _____ Cindy Hamby, Deputy City Clerk
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